

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

1:04-CR-167

ORDER ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Before the court is a report and recommendation of the United States magistrate judge regarding whether Mr. Bessard's conditional release is warranted at this time. The parties waived their right to file objections to the report.

Having conducted an independent review, the court concludes that Mr. Bessard's conditional release under a prescribed regimen of medical, psychiatric, and psychological care and treatment would no longer create a substantial risk of bodily injury to another person or serious damage to the property of another. It is therefore

ORDERED the report and recommendation of the United States magistrate judge is
ADOPTED. It is further

ORDERED that pursuant to 18 U.S.C. § 4243(f)(2), Mr. Bessard is conditionally released under the following conditions:

1. Mr. Bessard will reside at the Jackson Family Care Home located at 221 E. Barbee St., Zebulon, NC when a bed is available. Mr. Bessard will not make any change in his residence without the advance approval of the mental health providers and the final approval of the Supervising U.S. Probation Officer.
2. Mr. Bessard will comply with all recommendations of treatment and will comply with all appointments with the Carter Clinic or at another mental health facility as approved

by the U.S. Probation Officer. Mr. Bessard shall not change mental health providers without advance approval of the U.S. Probation Officer.

3. Mr. Bessard is restricted from travel outside of the Eastern District of North Carolina except with the prior approval of the U.S. Probation Officer.
4. Mr. Bessard shall comply with psychiatric treatment as directed by the treatment team and the U.S. Probation Office, to include oral and injectable psychotropic medications.
5. While Mr. Bessard is in outpatient counseling, he may be admitted to an inpatient facility or placed in a crisis stabilization facility should his treating clinicians or U.S. Probation Officer deem it is necessary for his safety or the safety of the community.
6. Mr. Bessard is to abstain from all use of alcohol and other drugs not prescribed by his treating physician. His treating physician shall notify the U.S. Probation Officer of any changes in the administration of anti-psychotic drugs.
7. Mr. Bessard is to submit to urinalysis and other drug testing for the detection of use of controlled substances and to undergo regular urine and serum blood level screening if ordered by the treating physician and U.S. Probation Officer to ensure abstinence from substances and the maintenance of a therapeutic level of medication.
8. Mr. Bessard shall participate in outpatient/inpatient substance abuse counseling as directed by the U.S. Probation Officer, if deemed necessary.
9. Mr. Bessard shall not possess any firearms, destructive device, or other dangerous weapons and shall submit to a random search of his person, property, and residence.
10. Mr. Bessard shall not commit another federal, state, or local crime.
11. Mr. Bessard is to report any contact with any law enforcement officer to the U.S. Probation Office within 24 hours of the contact.
12. Mr. Bessard will be supervised by the U.S. Probation Office for a specified period imposed by the Court to ensure his compliance. Mr. Bessard will comply with the standard conditions of the U.S. Probation Office, Eastern District of North Carolina, including waiving his right to confidentiality regarding his mental health treatment in order to allow sharing of information with the Supervising Probation Officer who will assist in evaluating the ongoing appropriateness of community placement.
13. The medical provider may at any time recommend modification or elimination of the regimen of medical, psychiatric, or psychological care or treatment, upon certification to this Court that to do so would not create a substantial risk of bodily injury to another person or serious damage to the property of another. Any party requesting modification or termination of the Conditions of Release shall submit adequate documentation

supporting the request through the Supervisory U.S. Probation Officer, to the Civil Division of the U.S. Attorney's Office for the Eastern District of Texas, for a determination as to whether a motion for release should be filed.

14. Mr. Bessard's failure to adhere to any of these conditions will result in him being located, taken into custody, and subsequently reviewed by the federal court of jurisdiction for suitability for continued release to the community.

IT IS SO ORDERED.

SIGNED at Beaumont, Texas, this 10th day of November, 2014.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE